

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated May 26, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 14 and 20 are canceled; and claims 1, 15, 18, 19 and 21 are amended. Claims 1-13, 15-19 and 21 remain pending. Of these, claim 1, 15, 18 and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1-18 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. It is asserted that the steps or acts of the claims are not tied to a statutory category. Applicant respectfully traverses. Though not necessarily agreeing with the assertion in the Office Action, and solely to expedite the prosecution, the independent claims have been amended to provide further structural recitation within the claims. The pending claims now recite a number of structural elements including, among other things, a database, a graphical user interface, a fixed wireless system, base stations, remote units, etc. Each and every one of these examples of structural devices or “apparatus” is well known in the art as machines, and each of the independent claims, specifically, independent claims 1, 15 and 18, recite one or more of these apparatus. Thus, the claims cannot be rejected under the machine or transformation test. Applicant respectfully requests the withdrawal of the rejection.

In the outstanding Office Action, claims 1-9 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell (US Pat. App. No. 2002/0113816). It is asserted that Mitchell discloses a method with all of the features of the present invention as recited in the claims but for the hierarchy established represents geographical area locations. It is further

contended that Mitchell does teach a type of multiple level hierarchy and thus the claims would be obvious in view of Mitchell. Applicant respectfully traverses.

Neither Mitchell nor any other related art of record can anticipate or obviate the present invention as recited in the claims because Mitchell does not teach or fairly suggest each of the elements recited therein. However, solely to expedite the prosecution of this application, independent claims 1, 15, 18 and 19 have been amended to include the allowable subject matter indicated in claim 20. Thus, because Mitchell does not contain each element of the independent claims, as admitted in the Office Action by allowance of claim 20, Mitchell cannot anticipate or obviate the pending claims. For at least this reason the rejection should be withdrawn and the claims allowed to issue

Mitchell does not teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from Mitchell. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Mitchell. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 20 and 21 were objected to as depending on a rejected claim but would be allowable if rewritten to include the limitations of the base claim. Applicant thanks the Examiner for such indication and has in response hereby incorporated the substance of claim 20 into the pending independent claims and thus all claims should now be allowable.

No extension of time is believed to be necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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